

1 Scott Sagaria (State Bar No.217981)  
Elliot Gale (State Bar No. 263326)  
2 Joe Angelo (State Bar No. 268542)  
SAGARIA LAW, P.C.  
3 2033 Gateway Place, 5<sup>th</sup> Floor  
San Jose, California 95110  
4 Telephone: (408) 279-2288  
Facsimile: (408) 279-2299

5 Attorneys for Plaintiff  
6  
7  
8

9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA — SAN JOSE DIVISION**

11 TERRY CROY,  
12

13 Plaintiff,

14 vs.

15 EXPERIAN INFORMATION  
16 SOLUTIONS, INC.; et. al.,

17 Defendants.  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

04678  
Case No.: 5:15-CV-05533-RMW

**STIPULATED REQUEST FOR  
DISMISSAL OF DEFENDANT  
CAPITAL ONE BANK (USA), N.A.,  
ERRONEOUSLY SUED AS  
CAPITAL ONE, NATIONAL  
ASSOCIATION; [~~PROPOSED~~]  
ORDER**

**TO THE COURT, CLERK OF COURT, AND ALL PARTIES:**

**IT IS HEREBY STIPULATED** by and between plaintiff Terry Croy and defendant Capital One Bank (USA), N.A. ("Capital One"), erroneously sued as Capital One, National Association, that Capital One be dismissed from this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2), and that each party shall bear its own attorneys' fees and costs.

DATED: April 27, 2016

Sagaria Law, P.C.

By: /s/ Elliot W. Gale

Elliot W. Gale

Attorneys for Plaintiff

Terry Croy

DATED: April 27, 2016

Doll Amir & Eley LLP

By: /s/ Chelsea L. Diaz

Attorneys for Defendant

Capital One Bank (USA), N.A.

I, Elliot Gale, am the ECF user whose identification and password are being used to file this Stipulation. I hereby attest that Chelsea Diaz has concurred in this filing.

/s/ Elliot Gale

**[PROPOSED] ORDER**

Pursuant to the stipulation of the Parties, Capital One is dismissed with prejudice.

**IT IS SO ORDERED.**

DATED: 4/29/2016



RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE